

**RESOLUTION OF THE
PLANNING BOARD OF THE TOWN OF CARMEL**
#12-26 November 28, 2012

Tax Map #76.5-1-49

**SWAN COVE
SEQR DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION**

WHEREAS, the Planning Board of the Town of Carmel is conducting an uncoordinated SEQR Review of an Unlisted Action, known as the Swan Cove site plan; and

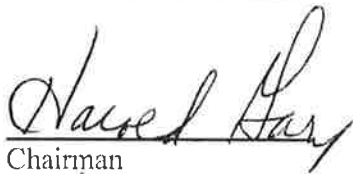
WHEREAS, the action involves the demolition of seven existing cottage buildings containing nine dwelling units, and the redevelopment of the site to support two new buildings supporting five new residential units each, for a total of ten units, a new off-street parking lot for twenty parking spaces, a new beach/on-site recreational area, new sewer and water connections to the municipal utility infrastructure system, and associated site improvements; and

WHEREAS, the Town of Carmel Planning Board, as Lead Agency is conducting an coordinated SEQR Review of the Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, the Planning Board of the Town of Carmel hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

**PLANNING BOARD
TOWN OF CARMEL**


Chairman

11/28/12
Dated:

This resolution was thereupon duly adopted

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date November 28, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel Planning Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Swan Cove Site Plan

SEQR Status:Type I ☐Unlisted ☒**Conditioned Negative Declaration:**Yes ☐No ☒**Description of Action:**

The action involves the demolition of seven existing cottage buildings containing nine dwelling units, and the redevelopment of the site to support two new buildings supporting five new residential units each, for a total of ten units, a new off-street parking lot for twenty parking spaces, a new beach/on-site recreational area, new sewer and water connections to the municipal utility infrastructure system, and associated site improvements.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Site is located at 628 Route 6, Mahopac, Town of Carmel, Putnam County, Tax Map #76.5-1-49

REASONS SUPPORTING THIS DETERMINATION:

See attached.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Rose Trombetta, Planning Board Secretary
Address: Town Hall, Mahopac, NY 10541
Telephone Number: 845-628-1500

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor, Town of Carmel, Town Hall, Mahopac, NY 10541

REASONS SUPPORTING THIS DETERMINATION

The action involves the demolition of seven existing cottage buildings containing nine dwelling units, and the redevelopment of the site to support two new buildings supporting five new residential units each, for a total of ten units, a new off-street parking lot for twenty parking spaces, a new beach/on-site recreational area, new sewer and water connections to the municipal utility infrastructure system, and associated site improvements.

Potential impacts relating to the redevelopment and reuse of the site as proposed by the applicant include the following:

1. The Site lies within the C-Commercial Zoning District. A use variance was granted in 1954 allowing for the development of 10 residential units at this site. The current proposal to redevelop the site to support 10 dwelling units remains consistent with this use variance.
2. In June of 1954, the Zoning Board of Appeals granted area variances for minimum lot area, minimum road frontage, minimum lot width and minimum lot depth. On November 4, 2009, the Zoning Board of Appeals granted an area variance for the minimum side yard. The project complies with all remaining C-Commercial zoning district bulk and area requirements.
3. The development of the Project will result in temporary air quality impacts during the demolition of the existing buildings and the redevelopment of the site to support the two new buildings and associated site improvements. These temporary impacts to air quality will be carefully monitored by the Building Department and will be controlled through the implementation of a construction management plan and site development protocol that will be submitted with the Building Permit application, as well as through a continual reliance on construction Best Management Practices and continued equipment repair and maintenance. The approved construction management plan and site development protocol will emphasize minimizing fugitive dust. Employing these measures will assure that the proposed Action will not result in any significant adverse environmental impacts to air quality.
4. The development of the Site will result in the addition of new impervious surfaces. A stormwater management plan, and Pollution Prevention Plan has been prepared to assure that the proposed project will satisfactorily control runoff and will not result in an increase in the rate of runoff from the site. Two new rain gardens, stormwater planters and associated stormwater management facilities have been designed to assure that the project will not result in any significant adverse environmental impacts to stormwater conditions and surface water features, including Lake Mahopac.
5. The proposed development of the Site involves site grading and excavation. During the site grading and excavation process, a potential for soil erosion and sedimentation will exist. This situation will be controlled through the use and installation of temporary soil stabilization and erosion and sediment control

devices. All devices shall be designed and installed in accordance with New York Guidelines for Urban Erosion and Sediment Control, and New York Standards and Specifications for Urban Erosion and Sediment Control. The Erosion and Sediment Control Plan minimizes the downstream erosion hazard by controlling runoff at its source, minimizing runoff from disturbed areas and de-concentrating stormwater runoff. This plan shall be implemented under the strict supervision of the Town Engineer. As a result, no adverse impacts are anticipated.

6. Long-term noise impacts are not anticipated as a result of the development of the site to support the project. Other than typical building mechanical equipment, and the outdoor recreational activities of the residents, no activities associated with the project will result in noise generation beyond background ambient noise levels. A new emergency electrical generator is proposed, which will be enclosed within a sound attenuating enclosure. Building mechanical equipment will be screened and enclosed, so it not anticipated that excessive noise would result.

Short-term noise impacts associated with the redevelopment of the site will occur. It is anticipated that worst-case construction activities are anticipated to generate short-term noise levels in the vicinity 85dBA measured at 50' from the noise source.

Short-term noise impacts shall be controlled by maintaining construction equipment in good working order and providing mufflers. Construction shall be limited to times specified in the Town ordinance. As a result, these controlled, short-term noise impacts will not result in a significant adverse environmental impact.

7. All solid waste generated by the project shall be collected on site, and shall be removed from the site through arrangements with private carters and disposed of at a certified disposal facility. No adverse impacts are anticipated.
8. The project can be accommodated by the Town's existing infrastructural network. The project's domestic potable water demand will be supplied via a connection to the municipal domestic water service line located in Route 6. The water service will be designed to provide both fire and domestic water service to the building.

Sanitary sewage generation from the project will be transmitted by a 6" service line to the existing sanitary sewer line located in Route 6.

All connections to the existing sanitary sewer system will be designed and constructed in accordance with the requirements of the "Recommended Standards for Wastewater Facilities, Chapter 30, Design of Sewer," 1997 Edition. Additionally, all sanitary sewer construction will conform to the Standards and Specifications of the Town of Carmel and Putnam County Department of Health.

9. The project is located within a 100-year floodplain as designated by FEMA. The first floor elevations of the new buildings will be located above the base flood elevation. No floodplain impacts will result from the project as proposed.

10. No wetlands are located in the vicinity of the site. The proposed action will not result in any negative impacts on wetland resources.
11. No significant vegetation removal will be required, as the site is essentially fully developed, and no significant vegetation exists on the site. A new site landscaping plan will provide new landscaping, including planting in the parking islands in the parking lot, as well as a new beach/recreation area. No adverse impacts are anticipated.
12. There will be no impact on a significant habitat area as a result of this project. No threatened or endangered species of animals or the habitat of such species have been identified on the site according to the NYS Natural Heritage Inventory.
13. It is projected that the proposed project will conservatively generate approximately 20 peak hour vehicle trips onto Route 6. The Planning Board finds that this volume of traffic will not result in significant adverse impacts and the surrounding roadway network will continue to operate at satisfactory Levels of Service. No significant adverse traffic impacts are anticipated.
14. The Project provides for 20 off-street and on-street parking spaces, which complies with the requirement to provide 2 parking spaces per dwelling unit. The parking layout is appropriate for the site. No significant adverse environmental impacts are expected to occur regarding parking.
15. The new buildings have been designed to more appropriately conform to the architectural character of the area surrounding the site. As a result, no significant adverse impacts are anticipated.
16. The proposed action will not affect any building, site, or place of historic or archaeological value. No such facility on or in the immediate vicinity of the Site is listed on the State or national registers of historic place. It can be concluded that the proposed action will not result in any adverse impacts to historic or archaeologically important resources.
17. The proposed action will result in a change in the way energy is currently used on the site. The new buildings will be designed to conform to all New York State Building Code requirements, including stringent energy-compliance standards. Therefore, the project will actually result in a proportional decrease in the energy demand for the site, and it is not anticipated that the project will overburden existing utility resources, and no adverse impacts are anticipated.
18. The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.
19. The new buildings have been designed to meet or exceed all applicable building and fire safety code requirements. The building will be supported by fire protection and smoke and fire alarms systems and site security systems. No adverse emergency service impacts are anticipated.

20. The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.
21. The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.

**RESOLUTION OF THE
PLANNING BOARD OF THE TOWN OF CARMEL
#12-27 November 28, 2012**

Tax Map #76.5-1-49

**SWAN COVE
FINAL SITE PLAN APPROVAL**

WHEREAS, an application for final site plan approval has been submitted by Tommy A. Boniello, Mahopac (hereinafter referred to as the "Applicant"); and

WHEREAS, the site is located at 628 Route 6, Mahopac, and is within C – Commercial Zoning District and is more specifically known and designated as Tax Map #76.5-1-49 (hereinafter referred to as the "Site"); and

WHEREAS, The proposal (hereinafter referred to as the "Project") involves the demolition of seven existing cottage buildings containing nine dwelling units, and the redevelopment of the site to support two new buildings supporting five new residential units each, for a total of ten units, a new off-street parking lot for twenty parking spaces, a new beach/on-site recreational area, new sewer and water connections to the municipal utility infrastructure system, and associated site improvements;

WHEREAS, the Final Site Plan consists of the following drawings prepared by Roy Fredriksen, P.E., Mahopac, consisting of the following drawings (hereinafter referred to as the "Final Site Plan"):

- | | |
|----------|---|
| 1 of 12 | Existing Conditions, dated June 29, 2009, last revised March 32, 2011. |
| 2 of 12 | Water & Sewer Connections, dated June 29, 2009, last revised October 22, 2012. |
| 3 of 12 | Site Plan, dated June 29, 2009, March 21, 2011. |
| 4 of 12 | Grading & Utility Plan, dated June 29, 2009, last revised October 22, 2012. |
| 5 of 12 | Stormwater Pollution Prevention Plan, dated August 16, 2012, last revised September 28, 2012. |
| 6 of 12 | Stormwater Pollution Prevention Plan, dated August 16, 2012, last revised September 28, 2012. |
| 7 of 12 | Plant Schedule, undated. |
| 8 of 12 | Site Sections, dated December 14, 2012, last revised March 21, 2011. |
| 9 of 12 | General Site Details, dated June 29, 2009. |
| 10 of 12 | Water and Sewer Details, dated June 29, 2009, last revised October 22, 2012. |
| 11 of 12 | Emergency Generator Details, dated June 29, 2009. |
| 12 of 12 | Sewer Details, dated march 21, 2011, last revised October 22, 2012. |

WHEREAS, the proposed action has been determined to be an Unlisted Action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, on November 28, 2012 the Planning Board, serving as Lead Agency for the SEQR review of this application, adopted a Negative Declaration; and

WHEREAS, in June of 1954, the Zoning Board of Appeals granted a use variance to allow for the construction of to (10) residential units at the site; and

WHEREAS, in June of 1954, the Zoning Board of Appeals granted area variances for minimum lot area, minimum road frontage, minimum lot width and minimum lot depth; and

WHEREAS, on November 4, 2009, the Zoning Board of Appeals granted an area variance for the minimum required side yard; and

WHEREAS, on September 6, 2012, the Environmental Conservation Board reviewed this project, and forwarded their recommendation to the Planning Board, which have been incorporated in the Final Site Plan; and

WHEREAS, a public hearing was held pursuant to Section 276 of the Town Law on the proposed site plan at Town Hall, Mahopac. All persons wishing to speak on the application were provided an opportunity to be heard; and

WHEREAS, the Planning Board has considered the Final Site Plan, and all other materials submitted by the Applicant in support of this proposal, the comments of Town staff and consultants made via memoranda to the Planning Board (which memoranda are incorporated herein by reference) the verbal commentary made during the entire course of the Planning Board's meetings pertaining to the review for Final Site Plan approval and evaluation of the proposed action, and the comments of the public; and

WHEREAS, the requirements for final site plan approval contained in the Town of Carmel Zoning Ordinance have been met by said application for Final Site Plan approval, with the exception of those items waived per §156-61 of the Town of Carmel Zoning Code; and

NOW THEREFORE BE IT RESOLVED, that the application of approval of the Final Site Plan submitted by Tommy A. Boniello, as depicted on the plans identified above is hereby granted subject to the following conditions:

1. This Final Site Plan approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Final Site Plan as endorsed by the Planning Board Chairman. *Any change in use, alteration or modification to the Final Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Planning Board of the Town of Carmel.*

2. The Applicant shall furnish the Planning Board with the required number of sets of the site plan as described above, for endorsement by the Planning Board Chairman, subject to the satisfaction of all approval conditions, which shall then be recorded as the approved Final Site Plan:
3. No changes, additions, erasures, modifications or revisions shall be made to the Final Site Plan following endorsement by the Planning Board Chairman. Any changes detected after endorsement of the Final Site Plan as final, shall result in the immediate termination and revocation of this resolution of approval, thereby making it null and void.
4. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this resolution of approval and the signed and filed Final Site Plan. The Building Inspector shall include reference to the Final Site Plan and this resolution of approval on any Building Permit.
5. A performance bond, prepared in form to the satisfaction of the Planning Board Attorney, and in the amount as calculated by the Town Engineer in accordance with the requirements of set forth in §131-15E(1) of the Subdivision of Land Regulations, shall be provided to assure the completion of all improvements, if determined applicable by the Town Engineer.

Said improvements shall be completed within a maximum period of two (2) years and the performance bond shall so state the same. The developer may apply to the Planning Board for an extension of the completion period as set forth in §131-15F of the Subdivision of Land Regulations, provided said request is in writing, submitted a minimum of 45 days prior to the expiration, and describes in detail the reason for the requested extension.

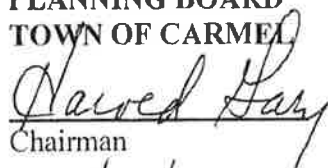
6. An engineering inspection fee in the amount as calculated by the Town Engineer in accordance with the requirements of set forth in §131-17C of the Subdivision of Land Regulations shall be paid to the Town of Carmel, if determined necessary by the Town Engineer.
7. The Applicant shall prepare, cause to be executed and file with the Putnam County Clerk's office a "Stormwater Control Maintenance Agreement" as specified in §156-85.
8. All comments of the Town Engineer shall be satisfactorily addressed.
9. A blanket easement shall be prepared, in a form found suitable to the Planning Board Attorney, which shall address access, parking, utilities and all associated issues, with the Mahopac National Bank property.
10. A Homeowners Association (HOA) shall be created to manage all common facilities associated with the Project.
11. A NYSDOT work permit shall be obtained for the project's water and sewer connections.

12. The building shall be designed in accordance with all New York State Building Code requirements.
13. The hours of construction activity shall take place in conformance with the applicable Town Regulations.
14. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed in accordance with the Final Site Plan and shall be subject to continual inspection and maintenance and additional controls as may be required by the Building Inspector. Stormwater runoff shall be controlled at all times during construction to prevent erosion of the site area under construction and to prevent sedimentation and dust dispersal upon areas not under construction, particularly off-site locations. Silt fencing, hay bales, anti-tracking aprons and all other required erosion and sedimentation control measures shall be regularly inspected and maintained in an orderly and functioning manner. Additional supplies of silt fencing and hay bales shall be kept on the site during construction for immediate use if needed.
15. All site utilities shall be installed underground.
16. All landscaping shall be installed in accordance with the Final Site Plan. Any substitutions to listed plant materials shall be submitted to the Building Inspector prior to installation of same. Should the Building Inspector determine that the substitutions constitute a substantive change to the Final Site Plan, the Applicant shall file an Amendment to the Site Plan Approval, which shall be reviewed and approved by the Planning Board, prior to the installation of the landscaping materials.
17. All site landscaping shall be maintained in a healthy state; should any plantings become damaged or die, said plantings shall be immediately replaced in-kind.
18. A clean and legible copy of this Resolution (as signed by the Planning Board Chairman) and a copy of the signed Final Site Plan shall be maintained at the subject property at all times.
19. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plan shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
20. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provisions of the Town of Carmel.
21. The applicant shall obtain all other applicable permits and approvals and shall pay all other fees as a part of the execution of the final site plan.

BE IT FURTHER RESOLVED, That this Final Site Plan Approval shall remain valid for a period of one (1) year from the date of its approval. This Final Site Plan Approval shall become null and void on November 28, 2013, unless construction is commenced pursuant to an authorized Building Permit.

BE IT FINALLY RESOLVED that this Final Site Plan approval resolution shall have an effective date of November 28, 2012.

**PLANNING BOARD
TOWN OF CARMEL**


Chairman

11/28/12
Dated:

This Resolution Was Thereupon Duly Adopted